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District of Nevada

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UNITED STATES DISTRICT COURT

## **DISTRICT OF NEVADA**

DOLLY BELLE, on behalf of J.S., a minor, )  
Plaintiff, )  
vs. )  
ANDREW SAUL, )  
Commissioner of Social Security, )  
Defendant. )  
) Case No.: 2:19-cv-00077-JAD-EJY  
)  
STATUS REPORT, DECLARATION OF  
S. WYETH McADAM, &  
UNOPPOSED MOTION FOR EXENSION  
OF TIME TO FILE THE ANSWER AND  
CERTIFIED ADMINISTRATIVE RECORD  
(SECOND REQUEST).

## I. DECLARATION & STATUS REPORT

I, S. Wyeth McAdam, declare as follows:

1. I am an Assistant Regional Counsel for the Office of the General Counsel, Region IX, Social Security Administration. I am Special Assistant United States Attorney assigned to the District of Nevada, and am the primary attorney handling the defense of this matter. I make this Declaration on personal knowledge of the facts and circumstances herein and if called to testify could and would do so competently.

1       2. Pursuant to the court's order dated January 29, 2021, Defendant received an extension of time  
2 to file the answer and certified administrative record (CAR) until March 20, 2021 (ECF 24). On April 19,  
3 2021, the court ordered Defendant to file a status report regarding the availability of the CAR and when  
4 he will file an answer to Plaintiff's complaint within three Court days of the date of the order. (ECF 25).

5       3. I sincerely apologize for miscalculating Defendant's deadline. I calendared the deadline as May  
6 30, 2021, instead of March 30, 2021.

7       4. On April 19, 2021, I checked my email for eCAR arrivals and did not see one for this case. I  
8 checked my electronic case file to see if our staff uploaded the eCAR there and found none.

9       5. On April 20, 2021, I looked deeper into the status of Plaintiff's eCAR and discovered that it  
10 arrived in our office around April 8, 2021 and that our staff filed it under a case file folder they created  
11 using the minor child's name (referred to here as "J.S."), instead of the Belle, Dolly, on behalf of J.S. case  
12 file that I use for this case. While our agency was not ready to file the eCAR by the initial March 30th  
13 deadline, it was my administrative error not to have properly calendared my deadline. I also erred when  
14 my office alerted me to the arrival of the eCAR for J.C. and failed to realize it actually belonged to this  
15 case, Belle, Dolly, OBO J.C. While my error may be understandable given our in-house case name  
16 confusion, I take responsibility for it, and again, apologize to Plaintiff and her child, Plaintiff's counsel  
and the court.

17       6. Pursuant to 28 U.S.C. § 1746, I, S. Wyeth McAdam, declare under penalty of perjury that the  
18 above statements are true and correct.

19       **II. UNOPPOSED MOTION FOR EXTENSION OF TIME**

20       Defendant moves for an extension of time to file his answer and CA. The due date was March 20,  
21 2021 (ECF 24). The new date will be May 5, 2021. All other deadlines will extend according to the Court's  
22 Scheduling Order, once issued. The undersigned contacted Plaintiff's counsel and she has no objection to  
23 this request.

24       Defense counsel needs an extension of time because she needs more time to review the CAR to be  
25 sure it is in good order, follow in-house procedures, and coordinate with the United States Attorney's  
26 Office (USAO), who assists us file CARs in Nevada. Both the OGC and USAO have limited staff at this

1 time due to the pandemic to handle CARs. The undersigned also faces challenges working fulltime with  
2 two young children at home most of the day due to stay-at-home orders and school policies due to the  
3 pandemic.

4 This request is made in good faith with no intention to delay unduly the proceedings. This is  
5 Defendant's second request for an extension. It is therefore respectfully requested that Defendant be  
6 granted an extension of time to file the CAR and answer to Plaintiff's Complaint, through and including  
7 May 5, 2021.

8  
9  
10 Dated: April 21, 2021

Respectfully submitted,

11  
12 CHRISTOPHER CHIOU  
13 Acting United States Attorney

14  
15 /s/ S. Wyeth McAdam  
16 S. WYETH McADAM  
17 Special Assistant United States Attorney

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19 ////  
20 ////

21 **IT IS SO ORDERED.**

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U.S. MAGISTRATE JUDGE